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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS

FILED

JUN 15 2006  
JUN 15 2006  
MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

Case No.

MICHELLE BRIGGITY,

Plaintiff,

vs.

NORTHEAST ILLINOIS REGIONAL  
COMMUTER RAILROAD  
CORPORATION, d/b/a METRA

Defendant.

Jud

06CV3278

JUDGE CASTILLO

Mag

MAGISTRATE ASHMAN

JURY TRIAL DEMANDED

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**COMPLAINT**

NOW COMES Plaintiff, MICHELLE BRIGGITY (hereafter "Plaintiff"), by and through her undersigned counsel, John S. Bishof Jr. of the Law Office of John Bishof P.C. and Thomas M. Flaskamp of Rossi, Cox, and Vucinovich, P.C. and for her cause of action against the above-named defendant, states and alleges as follows:

1. This Court has original jurisdiction over Defendant, Northeast Illinois Regional Commuter Railroad Corporation (hereinafter referred to as "Defendant") pursuant to the Federal Employers' Liability Act, Title 45 U.S.C. §51, *et seq.* This action is timely commenced within the meaning of 45 U.S.C. §56.

2. That at all times mentioned herein Defendant is now and was at all times herein mentioned, a public corporation duly organized and existing according to law engaged in business as a common carrier by railroad in interstate commerce and operates rail passenger service, serving six Northeast Illinois counties including the County of

Cook, and who for the purpose of operating said railroad did own, possess, operate and maintain railroad cars, tracks, and other equipment in and about the County of Cook, State of Illinois.

3. At all times herein material, Plaintiff was employed by Defendant as its servant and employee, and as such was working and engaged in interstate transportation and commerce and was working in the furtherance of interstate commerce and in work which closely, directly and substantially affected the general interstate commerce carried on by said Defendant as a railroad common carrier for hire.

4. Plaintiff is a resident of Springfield, Sangamon County, Illinois.

5. Defendant is an Illinois corporation with a principle place of business at 547 W. Jackson Blvd., City of Chicago, County of Cook, Illinois in the District where this action is filed.

6. At approximately 7:18 a.m., on or about June 23, 2003, while working at Defendant's Healy Station, on Defendant's Milwaukee District North Line, located at 4014 W. Fullerton Ave., City of Chicago, County of Cook, Illinois., Plaintiff was attempting to re-board a train pursuant to her duties when she was caused to trip, twist, and fall due to a depression in the platform which was dangerous, defective and otherwise unsafe. As a result, Plaintiff sustained injury to her knees, hips and low back.

7. Plaintiff's injuries, as alleged, were caused in whole or in part by Defendant's negligence and violation of Title 45, U.S.C. § 51, *et. seq.* (FELA). Defendant's negligence includes:

- a. Failing to provide Plaintiff with a reasonably safe place to work, including safe and suitable equipment and tools with which to work;

- b. Failing to properly install, maintain, inspect, and repair the subject platform;
- c. Failing to warn Plaintiff about the defective or poorly maintained platform; and
- d. Other acts of negligence revealed by the discovery in this case.

8. Defendant's negligence, as alleged above, in whole or in part caused Plaintiff to suffer:

- a. Loss of wages in the past and loss of future earning capacity;
- b. Past and future medical expenses; and
- c. Past and future pain and suffering, mental anguish and loss of enjoyment of life and other personal losses.

**WHEREFORE**, Plaintiff requests Judgment against Defendant in an amount in excess of SEVENTY FIVE THOUSAND DOLLARS (\$75,000.00), together with all costs and disbursements, and for such other relief the court deems proper.

Dated: 6/15/06

ROSSI, COX, VUCINOVICH, P.C.

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